

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

Franklin County Municipal Court

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACK KLEIN
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

MARYSVILLE VENTURES LLC
c/o PAUL W. LEITHART, II
575 S. THIRD ST
COLUMBUS, OHIO 43215
ALSO AT:
3455 E. BROAD STREET
COLUMBUS, OHIO 43213

and

CHERYL BROOK SULLIVAN
FRANKLIN COUNTY TREASURER
373 SOUTH HIGH STREET, 17TH FLOOR
COLUMBUS, OHIO 43215

and

UNKNOWN TENANTS AT
1630 GENESEE AVENUE
1630 GENESEE AVENUE
COLUMBUS, OHIO 43211

And

REAL PROPERTY AT
1630 GENESEE AVENUE
1630 GENESEE AVENUE
COLUMBUS, OHIO 43211

Respondents-Defendants.

FEB 11 2022

Lori M. Track, Clerk

By Deputy Clerk

Case No. 22 EOH 60081

Judge Stephanie Mingo

Parcel No. 010-059947

TEMPORARY RESTRAINING ORDER

This matter came before the Court on February 11, 2022, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-Defendants are owners and/or person in charge, care or control of the property located at 1630 Genessee Avenue, Columbus, Ohio, Parcel No. 010-059947 ("the Premises"). On information and belief, Relator asserts the following:

1. The Premises came to the attention of Columbus Police Department ("CPD") due to complaints of narcotics use and sale, prostitution, and violent crimes.
2. On or about July 16, 2015, the owners of the Premises agreed to a preliminary and permanent injunction due to code violations.
3. On or about May 14th, 2020, CPD received a complaint from a caller stating that there are drugs being sold out of the Premises. Caller also stated that there is a lot of traffic in and out of the back door and that individuals believed to be addicted to drugs are going in the Premises for short amounts of time and then coming out. Caller stated that she has children and is concerned.
4. On or about May 26, 2020, Detectives from CPD sent a confidential informant (hereinafter "CI") to the Premises to conduct a covert operation. The CI went to the Premises and returned to CPD with 0.1 grams of Heroin/Fentanyl. The CI stated that he exchanged the narcotics with a \$20.00 bill from official city funds.
5. On or about June 15, 2020, CPD received a call regarding a person with a gun at the Premises.

6. On or about June 20, 2020, CPD received a Shot Spotter alert at the Premises, which indicated that gun shots were fired.
7. On or about June 24, 2020, CPD drafted and sent a warning letter to the owner of the Premises notifying them of the criminal activity occurring at the Premises.
8. On or about June 26, 2020, the certified mail return receipt of the warning letter was delivered and signed to confirm delivery.
9. On or about June 30, 2020, CPD received an email from the statutory agent of the Premises, Paul Leithart confirming receipt of the warning letter and confirming that he is the statutory agent of the Premises, and also the attorney who represents the owner, Marysville Ventures, LLC. Paul Leithart also confirmed that he will inform his client of the warning letter.
10. On or about March 29, 2021, CPD received a call from an individual stating that there were two individuals inside the Premises that were unconscious from a possible overdose.
11. On or about May 28, 2021, CPD received a complaint from a caller stating that individuals were selling drugs out of the Premises. The Caller stated that arguments occur between the sellers and the buyers and is concerned that something will happen. Caller also stated that there are children residing at the Premises and that is cause for concern.
12. On or about June 18, 2021, Columbus Police were dispatched to the Premises on a Shot Spotter alert indicating gun shots were fired.
13. On or about June 29, 2021, a caller made a 311 complaint stating that residents are selling drugs out of the Premises. Caller stated that buyers end up doing drugs outside under tents and throw needles in her yard.

14. On or about July 13, 2021, CPD received a complaint from a caller stating that "it's getting very bad here." Caller stated that people go in and out and that the residents of the Premises have a tent in the backyard.
15. On or about July 20, 2021, Columbus Police were surveilling the Premises for a short time where they observed a car stop in front of the Premises for a short time and tents set up in the backyard.
16. On or about August 9, 2021, Columbus Police were dispatched to the Premises on a Shot Spotter alert indicating gun shots were fired.
17. On or about August 24, 2021, CPD received a complaint from a caller stating that there is a lot of traffic coming and going to the Premises. Caller stated that residents of the Premises have destroyed part of the property by allowing cars to drive across the lawn and destroy the grass. Caller also stated that the garage has turned into a living quarter.
18. On or about August 27, 2021, CPD received a complaint from a caller stating that they believe narcotics are being sold out of the Premises. Caller also stated that there are children at the Premises and people are rotating in and out of the Premises. Caller stated that there are tents in the backyard and a lot of traffic in and out of the house, twenty-four (24) hours per day. Caller also stated that there appears to be prostitution activity on the property.
19. On or about September 8, 2021, Columbus Police spoke to a concerned citizen who stated that the environment is getting worse at the Premises. Concerned citizen stated that the owner of the Premises does not check the Premises to make sure there are no crimes. Citizen also stated that there is someone living in the garage and has an extension cord running from the house. Citizen also stated that individuals who buy drugs and may be addicted have been stealing from the neighbors' porches as well.

20. On or about September 11, 2021, CPD received a complaint that there were multiple individuals in several vehicles around the Premises using narcotics and causing disturbances.
21. On or about November 22, 2021, CPD conducted a covert operation with a CI. The CI went to the Premises and returned to detectives with 0.1 grams of crack/cocaine, which the CI exchanged for \$20.00 in official city funds.
22. On or about November 29, 2021, CPD conducted a covert operation at the Premises with a CI. The CI went to the Premises and returned with 0.1 grams of Heroin/Fentanyl, which the CI exchanged for \$20.00 in official city funds.
23. On or about 12/14/2021, CPD sent another warning letter to the owner explaining the criminal activity occurring at the Premises.
24. On or about 12/20/2021, the warning letter was delivered, and the return receipt was signed.
25. On or about January 22, 2022, CPD received a call from a caller stating that they heard shots fired at the Premises, then observed a female white get carried out of the Premises and placed into a vehicle. Caller stated that this occurred at five O'clock in the morning.
26. On or about January 24, 2022, CPD conducted a covert operation at the Premises with a CI. The CI went to the Premises and returned with 0.1 grams of crack/cocaine, which was exchanged for \$20.00 in official city funds.
27. On or about January 26, 2022, CPD received a call regarding an overdose where the individual took fentanyl and the caller was not sure if they were breathing. Caller also stated that there was violence that was occurring at the house but then stopped responding.
28. On or about February 9, 2022, CPD executed a search warrant on the Premises at which weapons and narcotics were recovered.

29. Columbus police explained that the property had many violations and safety hazards when they entered the Premises. Police also observed that the Premises was extremely unsanitary.
30. CPD conducted surveillance of the Premises at multiple times, during which time they observed a steady stream of buyers come and go from the rear door of the Premises in a very short time frame. During one of the times CPD was conducting surveillance, a tall male black exited the Premises with a handgun and approached the officers inquiring about who they were and why they were outside the Premises.
31. The Premises is located in a neighborhood near other houses where children reside. The Premises is also near Cleveland Avenue where a church, Islamic worship center, and many other businesses are located.
32. The Premises, and specifically the illegal narcotics activity at the property, constitute an imminent danger for those at and around the Premises.
33. Failing to immediately padlock the property after the execution of the *ex parte* temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.
34. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.
35. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of the Columbus police officers involved in its execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It

is the further ORDER of this Court that all occupants of the Premises be forcibly removed from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 1630 Genessee Avenue, Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

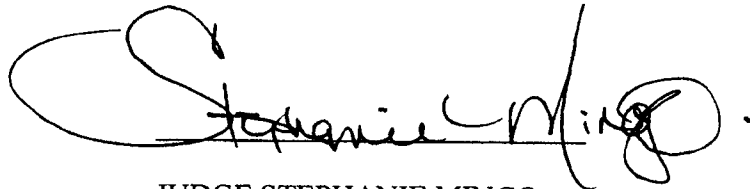
This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 23rd day of February, 2022 at 9:00 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

2-11-22

DATE

A handwritten signature in black ink, appearing to read "Stephanie Mingo", written over a horizontal line.

JUDGE STEPHANIE MINGO